

February 9, 2022

Chair Yvonne Lee
Commissioner Larry Bush
Commissioner Daina Chiu
Commissioner Theis Finlev
Commissioner Michael S. Romano
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

RE: Request for Racial Equity Analysis of the Proposed Ballot Measure to Amend the Campaign and Governmental Conduct Code

Dear Commissioners:

We are writing to urge the Ethics Commission to request a Racial Equity Analysis from the Office of Racial Equity (ORE) of the subject proposed ballot measure and its associated regulatory amendments, which have been drafted to enact the recommendations contained in “Report on Gift Laws Part A: Gifts to Individuals,” dated August 2, 2021, “Report on Gift Laws Part B: Gifts to City Departments,” dated September 29, 2021, and “Report on Strengthening Basic Ethics Provisions,” dated December 6, 2021 (taken together, the “measure”).

The San Francisco Board of Supervisors (BOS) created the Office of Racial Equity (ORE) to mitigate the impacts of longstanding structural systems of inequality that have disproportionately affected communities of color in the City. One of ORE’s mandates includes implementing a Racial Equity Policy Analysis Tool “...to illuminate the impact of policy on communities of color – before a public vote on policy.” (See [ORE’s Legislative Mandates](#), number 6.)

We understand that performance of a Racial Equity Analysis is required only for legislation proposed through the legislative process at the BOS and not for proposed ballot measures. However, we feel strongly that any changes to law that might disproportionately impact communities of color, even if enacted by ballot measure, should receive a Racial Equity Analysis before a public vote is taken.

The Ethics Commission’s own Racial Equity Action Plan, dated August 13, 2021, advances as a goal for the Ethics Commission to “Adopt ORE racial equity assessment tools to inform decision-making of boards and commissions...” and states a “...quantifiable measure of [the] action’s success...” will be the “...**number of policies passed with RE [Racial Equity] lens.**” (See [section 7.1.8, p. 30](#); emphasis added.)

During public comment at both the January 14, 2022 and January 21, 2022 Ethics Commission meetings, representatives of community-based organizations expressed serious concerns about the potential disproportionate impacts and effects the measure might have on communities of color.

Jack Thomas, Co-Director of Friends of Alemany Farm, stated at the January 21, 2022 meeting that: “...if everybody is potentially committing seemingly small infractions like little transactions, that happen every day as a matter of being part of a community, that the application might be, it might not be evenly applied. It gives us grounds to choose whom we decide to mete out consequences to and who to overlook. So, **I worry about bias in how the rules are applied.**” (Emphasis added.)

Vinay Patel, Executive Director of the Asian Pacific Islander Cultural Center, also expressed concern regarding the measure saying: **“This will become a barrier for BIPOC organizations**, and especially for organizations who are, or serve, English as Second Language persons. These individuals and organizations do not have the historical access or experience to navigate our already complicated nature of working with government. Now only organizations who have large and vast resources will have that ability to make those navigations, thus creating a possible unethical and inequitable situation. We as **BIPOC communities need to have open dialogue without the fear of persecution.**” (Emphasis added.)

Commissioner Bell shared his own concerns regarding equity at the January 14, 2022 meeting stating: “...we should certainly be able to be present for those community-based organizations that feel like they have a say, that we are hearing what they feel so we in fact can get it right. And **I think this is really important for the Black community, which is shrinking and disappearing in San Francisco, and other communities that are feeling that they don't have access to power and that these rules and regulations put them in more of a bind and strand them even further away from power** because they may not understand them.” (Emphasis added.)

It is imperative that the Ethics Commission understand the impacts the measure might have on the public and on marginalized communities, particularly communities of color. Being that the Ethics Commission’s own stated goals include as a marker of success the number of policies passed utilizing a Racial Equity lens, and being that genuine concern regarding the measure has been expressed by people representing communities of color, we respectfully request that the Ethics Commission formally invite the Office of Racial Equity to conduct a Racial Equity Analysis on the measure before taking a vote.

Sincerely,



Jay Xu
Director and CEO
Asian Art Museum



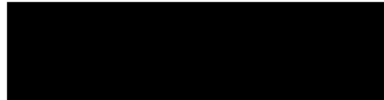
Maria Su
Executive Director
Department of Children,
Youth and Families



Kelly Dearman
Executive Director
Department of Disability
and Aging Services



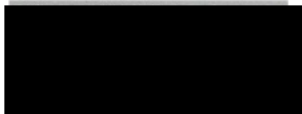
Shireen McSpadden
Executive Director
Department of Homelessness
and Supportive Housing



Executive Director
Human Services Agency



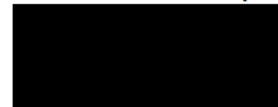
Kate Sofis
Executive Director
Office of Economic and
Workforce Development



Ralph Remington
Director of Cultural Affairs
San Francisco Arts Commission



Ivar Satero
Airport Director
San Francisco
International Airport



John Caldon
Managing Director
San Francisco War Memorial
and Performing Arts Center

CC: LeeAnn Pelham, Executive Director; Michael Canning, Policy Analyst; Patrick Ford, Senior Policy and Legislative Affairs Counsel